

# Uniroyal wins pay dispute suit

Uniroyal, Inc., defendant in a pay classification dispute filed in 1971 by a former employee, doesn't have to pay the \$4,860 differential claimed, in the opinion of a Will County Circuit Court judge.

Associate Judge Thomas Faulkner ruled recently that the plaintiff had failed to support the contention that she was kept from working as a clerk — the classification she was hired in — and instead worked as a radio dispatcher.

The lawsuit filed by attorney Alexander Bonds for Marjorie Metes, now Marjorie Lemire of 403 Davison St., sought \$4,860 for the higher classification over a two-year period.

The outcome of the case had been watched by business firms, corporations, unions and former Uniroyal employees. Some indicated they considered similar litigation.

Mrs. Lemire has 30 days in which to file an appeal and posttrial motions. She presently is represented by attorney Robert Whitley, an associate of Bonds.

The case first came to trial June 21, 1973, but a mistrial was declared by Associate Judge Emil DiLorenzo. A prospective juror indicated that he had

worked without proper pay. DiLorenzo ruled the comment might influence jurors already selected and seated for that trial.

The case was put back on the jury trial calendar to await its turn. Last week it was assigned to Faulkner. Attorney Lawrence Gray represented Uniroyal. He and Whitley selected a six-member jury and evidence was presented for two days.

At the end of plaintiff's testimony, Gray asked for a directed verdict against the plaintiff.

Faulkner granted the motion. He reviewed the evidence, noting that the complainant was hired as a clerk at \$90 a week and was directed to perform radio dispatcher duties. She alleged she wasn't permitted to work as a clerk. She shared an office with a man classified as a dispatcher. His duties were different and more varied. She used a phone to receive messages, and a radio for incoming and outgoing messages and kept a record or log. She "dispatched" chauffeurs to various points, but trips beyond the premises were authorized only by her foreman. The chauffeurs referred to her as dispatcher but her superintendent testified

she was a clerk. When hired she was told her job would include operating a radio.

The dispatcher who shared her office testified he kept far more records than she. He also said that the person who worked the shift prior to Mrs. Metes (Lemire) and trained her did the same type work she did and also was classified as a clerk.

Various foremen were complained to about the wrong pay scale during Mrs. Metes employment.

But, Faulkner said, the plaintiff failed to produce evidence to

support an allegation that she wasn't permitted to work as a clerk. He ruled that the evidence couldn't support a verdict that she performed dispatcher's duties under Uniroyal's job classification. He said while it was clear she did radio dispatching duties, it wasn't clear that those duties weren't the same as those of a clerk.

Faulkner added that while there was evidence certain employees were classified as dispatchers, there was no evidence Uniroyal had a job classification of "radio dispatcher."